

this the Act contemplates by Chapter III. This chapter is not very happily worded, but will easily be amended when it becomes necessary. The cases which cannot be settled directly under Chapter II or III—where Government is actually joint owner with a village or an individual, or where the Government has lost its rights in the soil—are occasional only⁶.

In stating this, I do not mean to undervalue the importance of exceptional cases. In districts where the rights in the waste are in a doubtful or confused state, it may be, nevertheless, of great importance that forests under State control (no matter whose property they are) should be properly constituted. The very existence of strong claims to user, and large indefinite concessions at settlement, which have rendered it impossible to constitute “reserved” forests, show that the forest is very much wanted as forest, and therefore that it ought to be settled and permanently secured for the benefit of the interested parties; and this, we know, will not be done without due regulation and State management or supervision.

SECTION V.—IN WHAT DOES THE “CONSTITUTION” OF FOREST ESTATES CONSIST?

In order that any forest which the State is directly concerned with, may be permanently maintained, and that it may be so managed as continuously to yield the products (of whatever kind) which it is most in the interest of the proprietor⁷ that it should yield, certain things are necessary and must be provided for by law—

- (1) The estate must be *demarkated*; that is, the limits of the area within which the forest law will have effect, must be determined and indicated on the ground.
- (2) The rights and interests in or over the estate (or any part

⁶ See further Chapter VII, on undivided forests.

⁷ Whoever it is—the Government, the villager, or the public institution.

of it) of persons other than the State (or the village or community, as the case may be) must be ascertained, settled, and equitably provided for in a manner to be determined by law (and described hereafter)⁸. This is necessary not only in the interest of the forest, but also in that of the right-holders.

- (3) Provision must be made that *no new rights* which are adverse to or burden the estate, can in future grow up or be acquired (except in State forests by express and exceptional grant of the State itself). The existence of such rights is, as we have seen, always a source of perplexity; it is eminently desirable, then, that having once settled those that exist, and ascertained that at a certain date certain rights were equitably and lawfully in existence, no new rights should spring up or be gradually ripening by prescription.
- (4) That all such existing rights as are not provided for in a legal manner outside the forest, and are not bought out and cleared off the estate, and consequently remain to be exercised on the estate, should be *regulated* wherever necessary, so that they may be fairly enjoyed without injuring the forest, and making its maintenance and improvement impossible.

It will be found that the whole process of constituting a reserved forest, described in Chapter II of the Act, resolves itself into a series of steps tending to attain all these objects.

And every forest which is wanted as a permanent estate for forest purposes must, to a greater or less extent, have all of these steps taken in its behalf. Consequently, wherever the Act speaks of the State taking under management village forests, or forests that belong jointly to private persons and the State, it always

⁸ In some countries even *private* forest-owners are also allowed to insist on the settlement of rights of user in those forests adverse to their management. In India we are not so far advanced as to require to enter on the subject.